IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 26715 of 2007(E)

OS.124/2006 OF MUNSIFF COURT, QUILANDY
.....

PETITIONER:

THEKKEDATH SAJEENDRAN,AGED 36 YEARS,
S/O.ANANTAN NAIR,THEKKEDATH
MOODADI AMSOM,MUCHUKUNNU DESOM,
KOYILANDY TALUK,KOZHIKODE DISTRICT.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS:

EDAMANA UNNIKRISHNAN NAMBOODIRI,
S/O.EDAMANA ILLATH NARAYANAN NAMBOODIRI,
MOODADI AMSOM,MUCHUKUNNU DESOM,
QUILANDY TALUK,KOZHIKODE DISTRICT.

BY ADV. SRI.M.G.ASHOKAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 26715/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PLIANT IN OS NO. 124/06 ON THE FILE OF THE MUNSIFF COURT, KOYILANDY.

EXT.P2. COPY OF THE IA NO. 1139/07 IN OS NO. 124/06.

EXT.P3. COPY OF THE IA NO. 1140/07 IN OS NO. 124/06.

EXT.P4. COPY OF THE I.A NO. 1141/07 IN OS NO. 124/06.

EXT.P5. COPY OF THE ORDER DT. 22/08/07 OF THE MUNSIFF COURT, KOYILANDY IN IA NO. 1139/07 IN OS NO. 124/06.

EXT.P6. COPY OF THE ORDER DT. 22/08/07 OF THE MUNSIFF COURT, KOYILANDY IN IA NO. 1140/07 IN OS NO. 124/06.

EXT.P7. COPY OF THE ORDER DT. 22/08/07 OF THE MUNSIFF COURT, KOYILANDY IN IA NO. 1141/07 IN OS NO. 124/06.

RESPONDENT'S EXHIBITS

NIL.

True copy

tga

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

W.P.C. NO. 26715 OF 2007

= = = = = = = = = = = = = = =

Dated this the 29th day of October, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside the orders passed in Exts.P5 to P7. I.A.1139/07 is an application for issuance of a Court diary to produce documents. I.A.1140/07 is another application to issue a Court diary to get Adangal extract and plan. Ext.P7 is another application to issue Court diary to get the documents for the purpose of applying to get the documents to show that tax has been paid. The suit is one for a declaration and injunction. The title of the plaintiff has to be established for obtaining a relief and the documents sought to be summoned may have relevance to the points to be decided by the courts. True there is some delay in filing the application but it is better to give a chance especially in the light of the fact that the suit is only of the year 2006. Therefore, I set aside the orders Exts.P5 to P7 and allow all these applications and direct the Court to issue

Court diary and also allow other prayers so as to facilitate the plaintiff to produce the documents. Needless to say that on account of the production of these documents if it becomes necessary for the defendants to produce other documents, when an application is made on that behalf, that also may be allowed.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-